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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,648	10/31/2003	Steven Louis Eaton	LDC100A US	3752

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EXAMINER

VIG, NARESH

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/698,648	Applicant(s) EATON ET AL.	
	Examiner Naresh Vig	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-26, 28-46 and 48-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-26, 28-46 and 48-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in reference to response received 03 July 2006. Claims 1–6, 8–26, 28–46 and 48–60 with the elected species of Fax is pending for examination.

Response to Arguments

In response to applicant's argument that the claimed invention is automated real estate transfer system and method, wherein, exchange of documents related to a real estate transfer by the various users involved, that is, brokers, real estate agents, buyers, sellers, as well as third parties to facilitate the processing of a real estate transfer.

Applicant is arguing limitations which are not positively claimed by the applicant.

In response to applicant's argument that applicants' invention absolutely has nothing to do with providing access to users during a real estate transaction to enter estimated and actual completion dates of various phases of real estate transactions.

Applicant is arguing that users that entering of actual completion of a task is not essential in a real estate transaction. For example, completion of home inspection is a critical component of a contingent real estate transaction, the information about the

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home inspection shared between concerned parties is critical to removing the contingency and moving forward with the transaction. Also, applicant has not clearly claimed how the received information is completing the real estate transfer automatically.

In response to applicant's argument that teachings of cited reference Watanabe when combined with cited reference Raveis, it would still require a special cover sheet for faxed communications which is needed to be decoded by the file server network so that it may be stored thereon.

Applicant is arguing a limitation not positively claimed by the applicant as their invention.

Applicant's arguments and concerns for amended claims have been responded to in response to claims below.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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Claims 1–6, 8–26, 28–46 and 48–60 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In the amended claims, applicant is creating a real estate record identity on at least one server. Applicant has not clearly disclosed how a record identity which can be just a identification number of a transaction be used to store information because there is no teaching on how the information received from a input device like a Facsimile Machine can be identified to determine which real estate transaction to associate it with, because applicant is claiming automation of real estate transfer, and, there is no claimed invention of the information which is received from the input source like a facsimile machine includes the real estate record identifier for the automation system to identify which real estate transfer does the received information for the input source belong to.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 and 1-20 and 41–46 and 48–60 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission

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amounting to a gap between the steps. See MPEP § 2172.01. In the amended claimed invention applicant is automating all phases of real estate transfer. The omitted steps are:

Assurance of unique real estate record identity because applicant claimed invention may create identities on more than one server for a real estate.

Determining which server to store the information since the claimed invention can store information on plurality of servers.

Identifying where the information relating to a transaction are stored.

Extraction of information which may have been stored on one or more servers

Using the stored information in completing the real estate transfer.

Claims 21–26 and 28–40 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. In the amended claimed invention applicant is automating all phases of real estate transfer. The omitted elements are.

Means for assurance of unique real estate record identity because applicant claimed invention may create identities on more than one server for a real estate.

Means for determining which server to store the information since the claimed invention can store information on plurality of servers.

Means for identifying where the information relating to a transaction are stored.

Means for extraction of information which may have been stored on one or more servers

Means for using the stored information in competing the real estate transfer.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 6, 8 – 26, 28 – 46 and 48 – 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raveis US Publication 2002/0049624 in view of Watanabe Japan Patent 2001-274946.

Regarding claims 1, 21 and 41, Raveis teaches automating at least some phases of real estate transfer (storing data relating to and coordinating the multitude of tasks associated with the purchase or sale of a property from contract to close) [0017], said method being centralized on at least one server and carried out over a distributed computer network to a plurality of client computers [Fig. 1 and disclosure associated with Fig. 1]. Raveis teaches:

creating a real estate record identity on said at least one server [0017, 0018];

receiving information from a plurality of sources (atleast 2 sources). Raveis does not teach receiving information from facsimile equipment. However, Watanabe teaches capability for receiving information from Fascimile equipment.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Raveis as taught by Watanabe to electronically file the documents received from parties involved in a transaction.

Raveis in view of Watanabe teaches:

associating said information to said real estate record using a record identifier associated with said real estate record [Watanabe, 0009]; and

storing said information on said at least one server in association with said real estate record identity [Raveis, Fig. 3a,b and disclosures associated with the Fig., Watanabe, 0009, 0010].

Regarding claims 2, 22 and 42, Raveis in view of Watanabe teaches receiving at least some portion of a property listing from a multiple listing service (available homes are listed in MLS) [Raveis, 0099].

Regarding claims 3, 23 and 33, Raveis in view of Watanabe teaches transmitting at least a portion of said real estate record to a multiple listing service [Raveis, 0099].

Regarding claims 4, 24 and 44, Raveis in view of Watanabe teaches:

receiving a fax communication from any fax source capable of contacting said at least one server irrespective of a fax number of said fax source [Watanabe, 0009];

prompting a sender of said fax communication to input said record identifier into said any fax source;

converting said fax communication into a digital document that represents said information to be associated and stored in accord with said associating and storing steps [Watanabe, claim 11 and disclosure associated with claim 11].

Regarding claims 5, 25 and 45, Raveis in view of Watanabe teaches:

determining whether said record identifier matches any of a number of a plurality of real estate records [Watanabe claim 1 and disclosure associated with claim 1];

discarding said digital document if said determining step is negative (it a business choice to decide what course of action to take when the determining action is negative. Watanabe teaches storing document into a common document storage area, and also capability of discarding the document. [Watanabe, 0039, claim 2 and disclosure associated with claim 2].

Regarding claim 6, 26 and 46, Raveis in view of Watanabe teaches capability for saving said digital document on said at least one server in accord with a matching real estate record if said determining step is positive.

Regarding claims 8, 28 and 48. Ravies in view of Watanabe teaches capability for listing agent reviewing said information [Watanabe, 0028] and granting view rights to authenticated users, such that said users can access and view a digital representation of said information (Raveis teaches remote log-in) [Raveis, 0007]. It is business choice

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for implementing security measures and decide how the security measures are implemented.

Regarding claims 9, 29 and 49, as responded to earlier for claim 1 and 8, Reveis in view of Watanabe teaches capability for listing agent marking information as secured or unsecured.

Regarding claims 10, 30 and 50, as responded to earlier for claims 1 and 8, Reveis in view of Watanabe teaches capability for providing security clearance and access over said distributed computer network to at least some portions of said real estate record to a plurality of different users depending upon an assigned role of a user among said plurality of different users, said plurality of different users including buyers, sellers, brokers, managers, agents, financial entities, other third parties, or the like.

Regarding claims 11, 31 and 51, as responded to earlier for claims 1, 8 and 10, Reveis in view of Watanabe teaches capability providing a masquerade function whereby one of said plurality of different users can masquerade as another of said plurality of different users (an agent can be a buyer agent for searching properties, and, the same agent can be a listing agent for posting their properties on to the MLS).

Regarding claims 12, 32 and 52, as responded to earlier for claims 1, 8 and 10, Reveis in view of Watanabe teaches tracking activity on said at least one server so as

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to provide an audit trail of said activity corresponding to said real estate record such as date of access, user identification, and the like [Raveis, 0003].

Regarding claims 13, 33 and 53, as responded to earlier for claims 1, 8 and 10, Reveis in view of Watanabe teaches capability for administration by a real estate broker.

Regarding claims 14, 34 and 54, as responded to earlier for claims 1, 8, 10 and 13, Reveis in view of Watanabe teaches capability for enabling a real estate broker controlling at least a portion of said information, said at least a portion of information including a list of third party companies with whom said real estate record is associated, such that a listing agent must use only third party companies from said list to conduct said real estate transfer.

Regarding claims 15, 35 and 55, as responded to earlier for claims 1, 8, 10 and 13, Reveis in view of Watanabe teaches capability for real estate broker controlling at least a portion of said information, said at least a portion of said information including a scheduling master template.

Regarding claims 16, 36 and 56, as responded to earlier for claims 1, 8, 10, 13 and 15, Reveis in view of Watanabe teaches capability for automatically generating a

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schedule for said real estate record from said scheduling master template [Raveis, 0021].

Regarding claims 17, 37 and 57, as responded to earlier for claims 1, 8, 10, 13, 15 and 16, Reveis in view of Watanabe teaches capability for schedule being automatically populated with a plurality of tasks and associated dates [Raveis, 0021].

Regarding claims 18, 38 and 58, as responded to earlier for claims 1, 8, 10 and 13, Reveis in view of Watanabe teaches capability for generating email communications to one or more of a plurality of users based on the happening of an event [Raveis, 0034].

Regarding claims 19, 39 and 59, as responded to earlier for claims 1, 8, 10 and 13, Reveis in view of Watanabe teaches capability for automatically generating an email communication containing advertising information from said real estate record (content of an email is business choice).

Regarding claims 20, 40 and 60, as responded to earlier for claims 1, 8, 10 and 13, Reveis in view of Watanabe teaches capability for generating reports from said real estate record [Raveis, 0024, 0025].

Conclusion

Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on M-F 7:30 - 6:00 (Wednesday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Naresh Vig
Examiner
Art Unit 3629

September 18, 2006